

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

SIGMUND NASZKE,

Plaintiff,

v.

OFFICER HOLEY BRYAN, OFFICER
SHAWN MARON, UNKNOWN
DEFENDANT OFFICERS, and the CITY OF
CHICAGO,

Defendants.

No. 08-cv-3404

Judge ST. EVE

Magistrate Judge DENLOW

PLAINTIFF'S EMERGENCY MOTION FOR DISCOVERY

NOW COMES Plaintiff, by and through HORWITZ, RICARDSON & BAKER, LLC., and hereby moves this Court to allow limited, immediate, expedited discovery. In support thereof, Plaintiff states the following.

1. This is a §1983 police misconduct case in which Plaintiff alleges that on or about July 18, 2006, the DEFENDANT OFFICERS (Chicago Police), *inter alia*, falsely arrested him, wrongfully searched his home, stole his property, and used excessive force upon him. (Exhibit A, Complaint).
2. Plaintiff has been able to identify only two of the DEFENDANT OFFICERS by name.
3. Upon information and belief, approximately seven other officers participated in the unlawful search of his home and theft of his property.
4. Plaintiff did not retain HORWITZ, RICARDSON & BAKER, LLC., until June 5, 2008 to represent him in this matter.

5. This case was filed on June 12, 2008. The City of Chicago and Defendant officers were served on June 13, 2008. (Exhibit B, Served Summons).
6. Attorneys for Plaintiff were unable to determine the identity of the other officers from readily available public records prior to the filing of this action.
7. The statute of limitations on this action expires on July 18, 2008.
8. If the other responsible officers have not been named in the Complaint by July 18, 2008, Plaintiff will be unable to pursue any claims against them and will be highly prejudiced.
9. On information and belief, the identities of the other officers who participated in the search of Plaintiff's home are readily ascertainable by Defendant's City of Chicago, Maron, and Bryan.
10. Defendants will not be prejudiced should this Court allow limited discovery relating to the identities of the officers who participated in the search of Plaintiff's home and in his arrest, as this information is highly discoverable, easily available, and not privileged.

WHEREFORE, Plaintiff moves this Court to order the Defendants, City of Chicago, Maron, and Bryan, to identify the other officers involved in the arrest of Plaintiff, produce any and all documentation or other materials that indicate the identities of those officers, grant Plaintiff leave to file an Amended Complaint upon receipt of said information, and order any other such relief as this Court deems fit and just.

Respectfully submitted,

s/ Abbas Merchant
Attorney for the Plaintiff

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